

posed a fine of \$100 and costs. The remaining counts of the indictment were dismissed. The indictment was dismissed as to the defendant Hopson whose death occurred prior to the calling of the case for final disposition.

E. D. BALL, *Acting Secretary of Agriculture.*

7776. Misbranding of Texas Wonder. U. S. * * * v. 3 Dozen Bottles of Texas Wonder. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 12996.)

On January 5, 1920, the United States attorney for the Northern District of Alabama filed in the District Court of the United States for said district a libel for the seizure and condemnation of 3 dozen bottles of Texas Wonder, in the original unbroken packages at Birmingham, Ala., alleging that the article had been shipped by E. Strocker, St. Louis, Mo., on or about December 16, 1919, and transported from the State of Missouri into the State of Alabama, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of copaiba, oil of turpentine, rhubarb, guaiac, and alcohol.

Misbranding of the article was alleged in the libel for the reason that the statement on the carton or label, to wit, "Texas Wonder, for Kidney and Bladder Troubles, Diabetes, Weak and Lame Backs, Rheumatism and Gravel. Regulates Bladder trouble in children," with reference to the therapeutic and curative qualities of said drug, was false and misleading and false and fraudulent, and the same was known to be false and fraudulent by the manufacturer, shipper, and those thus labeling said drugs at the time they were so labeled.

On March 22, 1920, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

7777. Adulteration and misbranding of so-called olive oil. U. S. * * * v. Frank Kakarakis and Gus Kakarakis (Kakarakis Bros.). Plea of guilty. Fine, \$30 and costs. (F. & D. No. 9346. I. S. Nos. 8617-p, 8618-p, 9163-p, 9164-p, 9165-p, 9166-p, 9167-p, 9771-p, 15222-p.)

On June 28, 1919, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Frank Kakarakis and Gus Kakarakis, trading as Kakarakis Bros., Chicago, Ill., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on November 22, 1917, from the State of Illinois into the State of Michigan, on April 15, 1918, April 1, 1918, March 23, 1918, March 28, 1918, and January 25, 1918, from the State of Illinois into the State of Indiana, on January 22, 1918, from the State of Illinois into the State of Ohio, and on April 17, 1918, from the State of Illinois into the State of Iowa, of quantities of so-called olive oil which was adulterated and misbranded. The article was labeled, "One Gallon Net" or "One Quart Net" or "Half Gallon" or "One Pint Net," as the case might be (cut of crown) "Superfine compound with Pure Olive Oil" (picture of man) "King Alexander I. Brand KB Chicago, U. S. A. KB Superfine compound with Pure Olive Oil."

Examination of samples of the article by the Bureau of Chemistry of this department showed that it consisted largely of cottonseed oil, and that the cans containing it were short measure.

Adulteration of the article was alleged in substance in the information for the reason that a substance, to wit, cottonseed oil, had been mixed and packed

therewith so as to lower and injuriously affect its quality and strength, and had been substituted in part for olive oil, which the article purported to be.

Misbranding was alleged in substance for the reason that the statements, to wit, "Pure Olive Oil" and "One Gallon Net," or "One Quart Net" or "Half Gallon Net" or "One Pint Net," as the case might be, not corrected by the statements in inconspicuous type "compound with," borne on the cans containing the article, regarding it and the ingredients and substances contained therein, were false and misleading in that they represented that the article was pure olive oil, and that each of said cans contained 1 gallon net or 1 quart net or half gallon net or 1 pint net of the article, as the case might be, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was pure olive oil, and that each of said cans contained 1 gallon net or 1 quart net or half gallon net or 1 pint net of the article, as the case might be, whereas, in truth and in fact, it was not pure olive oil, but was a mixture composed in part of cottonseed oil, and each of said cans did not contain 1 gallon or 1 quart or half gallon or 1 pint of the article, but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 23, 1920, a plea of guilty to the information was entered on behalf of the defendant firm, and the court imposed a fine of \$30 and costs.

E. D. BALL, *Acting Secretary of Agriculture.*

7778. Adulteration of evaporated milk. U. S. * * * v. Oatman Condensed Milk Co., a Corporation. Plea of guilty. Fine, \$25 and costs.
(F. & D. No. 11224. I. S. Nos. 5620-r, 5760-r, 5762-r.)

On December 31, 1919, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Oatman Condensed Milk Co., a corporation, Chicago, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on or about December 3, 1918, from the State of Illinois into the State of Iowa, and on or about November 15, 1918, and December 5, 1918, from the State of Illinois into the State of Missouri, of quantities of evaporated milk which was adulterated.

Analyses of samples of the article by the Bureau of Chemistry of this department showed the same to be partially decomposed.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance.

On March 23, 1920, a plea of guilty to the information was entered on behalf of the defendant corporation, and the court imposed a fine of \$25 and costs.

E. D. BALL, *Acting Secretary of Agriculture.*

7779. Misbranding of olive oil. U. S. * * * v. Jay J. Gerber and Norman Gerber (R. Gerber & Co.). Plea of guilty. Fine, \$20 and costs.
(F. & D. No. 11124. I. S. Nos. 2566-r, 2567-r, 2570-r.)

On December 31, 1919, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Jay J. Gerber and Norman Gerber, trading as R. Gerber & Co., Chicago, Ill., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on or about April 12, 1918, and November 3, 1918, from the State of Illinois into the State of Colorado, of quantities of olive oil which was misbranded. The two brands of the article were labeled in part, respectively, "Ottimo Virgin Olive Oil Contents 1 Gal. Net" or "Contents $\frac{1}{2}$ Gal. Net" or